

WEDNESDAY, APRIL 8, 1998

EIGHTY-SECOND LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Richard Gordon, First Baptist Church, Murfreesboro, Tennessee.

Representative Eckles led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 94

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 94.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Jackson; personal reasons

Representative Phillips; illness

PERSONAL ORDERS

Rep. Phelan moved that House Joint Resolution No. 677 be removed from the Consent Calendar and held on the Clerk's Desk, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 191: Rep(s). McAfee as prime sponsor(s).

House Joint Resolution No. 468: Rep(s). Langster as prime sponsor(s).

House Joint Resolution No. 676: Rep(s). Fraley as prime sponsor(s).

House Bill No. 12: Rep(s). Cole(Dyer), Gunnels, Pleasant, Ford, Kent, Mumpower, McKee, Patton, Cole(Carter), Roach, Whitson, Bone, West, Burchett and Godsey as prime sponsor(s).

House Bill No. 965: Rep(s). Pruitt, Fitzhugh, Maddox, Bone, West, Williams and White as prime sponsor(s).

House Bill No. 2085: Rep(s). Stamps as prime sponsor(s).

House Bill No. 2380: Rep(s). Patton, Dunn, Bittle, Sargent, Mumpower, Beavers, Naifeh, Ridgeway, Cross, J. DeBerry and Burchett and Ford as prime sponsor(s).

House Bill No. 2429: Rep(s). Bone, Caldwell, White, Dunn, Sargent, Bittle and Sands as prime sponsor(s).

House Bill No. 2653: Rep(s). Eckles, Bird and S. Jones as prime sponsor(s).

House Bill No. 2756: Rep(s). Bowers as first prime sponsor(s).

House Bill No. 2986: Rep(s). Cross as prime sponsor(s).

House Bill No. 3177: Rep(s). Walker(Blount) as prime sponsor(s).

House Bill No. 3214: Rep(s). Wood and Sharp as prime sponsor(s).

House Bill No. 3244 : Rep(s). Caldwell as prime sponsor(s).

House Bill No. 3297: Rep(s). Buck as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). McDaniel was/were removed as sponsor(s) of **House Bill No. 1650**.

ENROLLED BILLS

April 7, 1998

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 518 and 519.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 7, 1998

The Speaker signed the following: House Joint Resolution(s) No(s). 518 and 519

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

April 7, 1998

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 643, 646, 647, 648, 649 and 650; also, House Resolution(s) No(s). 188.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 7, 1998

The Speaker signed the following: House Joint Resolution(s) No(s). 643, 646, 647, 648, 649 and 650; also, House Resolution(s) No(s). 188.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

April 7, 1998

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 2079, 2193, 2463, 2483, 2679, 2991 and 3154.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 7, 1998

The Speaker signed the following: House Bill(s) No(s). 2079, 2193, 2463, 2483, 2679, 2991 and 3154.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR
April 8, 1998

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 684, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE SENATE
April 8, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1137, 1561, 1638, 2213, 2217, 2229, 2271, 2377, 2530, 2711 and 2755; also, Senate Joint Resolution(s) No(s). 450, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 559, 560, 562, 563, 564, 566, 569, 570 and 587 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 8, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2079, 2102, 2143, 2193, 2351, 2437, 2463, 2483, 2549, 2617, 2621, 2679, 2683, 2741, 2868, 2923, 2934, 2991, 3139, 3152, 3154, 3211, 3223, 3227, 3387, 3389, 3393, 3396 and 3398; also, House Joint Resolution(s) No(s). 436, 464, 518, 519, 627, 628, 629, 630, 632, 633, 634, 635, 636, 637, 638, 639, 640, 642, 643, 646, 647, 648, 649, 650 and 673; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Resolution No. 189** -- Memorials, Government Officials - Urges board of regents to promulgate policies relative to disciplinary actions against tenured employees, that accord such employees benefit of doubt by requiring clear and convincing evidence of disciplinary violation prior to pursuing disciplinary action. by *Cooper B, *Towns, *DeBerry J, *Jones U (Shelby), *Turner (Shelby), *Bowers, *Brooks, *Miller L.

Education Committee

***House Joint Resolution No. 674** -- General Assembly, Directed Studies - Urges joint legislative services committee to form working staff group to study how to best prepare general assembly for 21st century. by *Chumney, *Chumney, *DeBerry J, *Bowers, *DeBerry L, *Jones, S., *Brooks, *Hargrove, *Caldwell, *Ferguson, *Odom, *Pruitt, *Cooper B, *Stulce, *Pleasant, *Miller L, *Towns, *Newton, *Kerr, *Walker (Blount), *Turner (Shelby), *Fitzhugh, *White, *McMillan, *Buck, *Armstrong, *Ridgeway, *Whitson, *Jones U (Shelby), *Phelan, *Fraleay, *Givens, *Jackson, *Tidwell, *Patton, *Ford S, *Mumpower, *Godsey, *Halteman Harwell, *Brown, *Tindell, *Ritchie, *Winningham, *Pinion, *Cross, *Rinks, *Roach, *McKee, *Gunnels, *Huskey, *Sargent, *Boyer, *Bittle, *Wood, *Sharp, *Turner (Hamilton), *Walker (Rhea), *Sands.

State & Local Government Committee

***House Joint Resolution No. 679** -- Memorials, Congress - Urges amendment to U.S. Constitution to require federal judges to be reappointed and reaffirmed by Senate every 12 years, and to submit such amendment to several states for ratification. by *Stamps, *McDaniel, *Newton, *Walley, *Beavers, *Godsey, *Hassell, *Hargett, *Pleasant, *Halteman Harwell, *Walker (Rhea), *Boyer, *Goins, *McKee, *Patton, *Ford S, *Walker (Blount), *Sargent, *Sharp, *Scroggs.

Judiciary Committee

***House Joint Resolution No. 682** -- Highway Signs - "Reed H. Thomas Memorial Bridge," S.R. 390 over Holston River in Sullivan County. by *Godsey, *Mumpower.

Transportation Committee

House Joint Resolution No. 685 -- Naming and Designating - "Better Speech and Hearing Month," May 1998. by *Wood, *McAfee, *Sharp, *Stulce, *Turner (Hamilton), *Brown.

Health & Human Resources Committee

***House Joint Resolution No. 687** -- Highway Signs - "Great Bone Caved Parkway," U.S. 70S, VanBuren County. by *Rhinehart.

Transportation Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 9, 1998:

House Resolution No. 190 -- Memorials, Interns - Yandla Nwana Adams. by *Givens.

House Resolution No. 191 -- Memorials, Personal Occasion - Leo Allen Bilbrey, 80th Birthday. by *Hargrove, *McAfee.

House Joint Resolution No. 641 -- Memorials, Professional Achievement - WDIA, 50th anniversary. by *Brooks, *Kernell, *Turner (Shelby), *Chumney, *DeBerry L, *Cooper B, *Hassell, *Bowers, *DeBerry J, *Jones U (Shelby), *Miller L, *Pleasant, *Towns, *Hargett, *Pruitt, *Scroggs, *Haley, *Kent.

House Joint Resolution No. 686 -- Memorials, Recognition and Thanks - George Phillips, 25 years of service. by *Burchett.

House Joint Resolution No. 688 -- Memorials, Professional Achievement - James Dodson, Tennessee Art Educator of the Year. by *Caldwell.

House Joint Resolution No. 689 -- Memorials, Retirement - Dora K. Knight Shultz. by *Ford S.

House Joint Resolution No. 690 -- Memorials, Personal Occasion - Charlie Green, 90th birthday. by *McDonald.

House Joint Resolution No. 693 -- Memorials, Sports - 1997-1998 McKenzie High School boys' basketball team. by *Maddox, *Phelan.

House Joint Resolution No. 695 -- Memorials, Retirement - Eric O. Bell, Sheriff of Chester County. by *Walley.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 9, 1998:

Senate Joint Resolution No. 578 -- Memorials, Academic Achievement - Julia Ann Whitaker, Valedictorian, E. B. Wilson Night School. by *Graves.

Senate Joint Resolution No. 580 -- Memorials, Academic Achievement - Brandon Lucy, 1998 Co-Salutarian, Loretto High School. by *Springer.

Senate Joint Resolution No. 581 -- Memorials, Academic Achievement - Leslie Hill, Salutarian, E.B. Wilson Night School. by *Graves.

Senate Joint Resolution No. 582 -- Memorials, Academic Achievement - Annie Glover, Valedictorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 583 -- Memorials, Academic Achievement - Heather Warren, Valedictorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 584 -- Memorials, Academic Achievement - Heather Walker, 1998 Salutatorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 585 -- Memorials, Academic Achievement - Amanda Ayers, Valedictorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 586 -- Memorials, Academic Achievement - Laurie Cook, Valedictorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 588 -- Memorials, Academic Achievement - Claire Goodman, Co-valedictorian, Springfield High school. by *Graves.

Senate Joint Resolution No. 589 -- Memorials, Personal Occasion - Janice Marie Mars Green, 50th Birthday. by *Ford J, *Person, *Womack, *Springer, *Harper, *Cooper, *Burks, *Kurita, *Cohen.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 88** -- General Assembly, Studies - Continues special joint committee study of 99th General Assembly (SJR 451) to study deinstitutionalization of mentally retarded persons and downsizing of populations of developmental centers. by *Haynes.

Health & Human Resources Committee

***Senate Joint Resolution No. 505** -- General Assembly, Directed Studies - Directs department of environment and conservation to study feasibility of creating state resort park along portions of Norris Lake, Clinch River and Big Sycamore Creek near convergence of Claiborne, Grainger and Hancock counties. by *Williams.

Conservation & Environment Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3415 -- Rhea County - Subject to local approval, makes salary of general sessions judge \$83,305 a year, including supplements, effective 9/1/98. Amends Chapter 92 of the Private Acts of 1997. by *Walker (Rhea).

House Bill No. 3416 -- Ardmore - Subject to local approval, establishes by ordinance salary of mayor and aldermen. Amends Chapter 801 of the Private Acts of 1949; as amended. by *Fowlkes.

House Bill No. 3417 -- Pulaski - Subject to local approval, requires property located inside city limits to be shown on city tax rolls prior to property owner being qualified to vote in city elections. Amends Chapter 711 of the Private Acts of 1949. by *Fowlkes.

House Bill No. 3418 -- Chapel Hill - Subject to local approval, enacts new charter. - Repeals Chapter 493 of the Private Acts of 1921, as amended. by *Beavers.

House Bill No. 3419 -- Anderson County - Subject to local approval, sets duties of county attorney; increases salary from \$7,500 to \$12,000 - Repeals Chapter 608 of Private Acts of 1947, as amended. by *Caldwell, *Cross.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2061** -- Children - Revises from six to 12 years age of children prohibited from riding in open bed of pickup truck. Amends TCA Section 55-8-189. by *Cooper.

***Senate Bill No. 2418** -- Public Records - Clarifies that claim for and amount of compensation paid to attorney appointed by court to represent indigent is public record Amends TCA Title 40, Chapter 14. by *McNally, *Gilbert.

Senate Bill No. 2769 -- Local Government, General - Makes changes to local government real property tax deferrals (Chapter 659). Amends TCA Title 7, Chapter 64, Part 2. by *Person, *McNally.

Senate Bill No. 2771 -- Local Government, General - Makes changes to local government real property tax deferral provisions for persons 65 years of age or older (Chapter 831 deferral) Amends TCA Title 7, Chapter 64, Part 1. by *Person.

Senate Bill No. 2835 -- General Assembly, Directed Studies - Directs board of examiners in psychology to study special issues related to reciprocity in licensing psychologists from states bordering Tennessee. Amends TCA Title 63, Chapter 11. by *Ford J.

CAPTION BILLS REFERRED

Pursuant to **Rule No. 47**, the following Caption Bill(s), 2988 held on the Clerk's desk were referred to the following Committee(s):

House Bill No. 2988 -- Bonds and Undertakings, Regulation of -- House Finance, Ways & Means Committee

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 7, 1998**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 9, 1998**: House Bill(s) No(s). 2234, 3135, 86, 2405, 2772, 2803, 3255, 2821, 3299, 127, 2716, 3269, 67, 135, 81, 2082, 2464, 2466, House Joint Resolution(s) No(s). 625 and House Resolution(s) No(s). 177.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 13, 1998**: House Bill(s) No(s). 2130, House Joint Resolution(s) No(s). 593, 552 and House Resolution(s) No(s). 171.

COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 2196 and 3056 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2119 and 3177 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 246 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 98 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 3097, 2914 and 3296, also House Bill(s) No(s). 613, 2867 and 207 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2898, 2899, 3276 and 3312, also House Bill(s) No(s). 2773, 2222, 2363, 2658 and House Joint Resolution(s) No(s). 619 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

The Committee further reported that House Bill No. 1650 was considered, but failed to pass.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 1711, 2475 and 222 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2842 and 2498 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 3059 and House Joint Resolution(s) No(s). 616, also House Bill(s) No(s). 2966, 2307 and 2682 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2827 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 8, 1998**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 13, 1998**: House Bill(s) No(s). 2085.

The Committee set the following bill(s) and/or resolution(s) on the **Regular Calendar** for **April 15, 1998**: House Bill(s) No(s). 3107.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 13, 1998**: House Bill(s) No(s). 2986 and Senate Joint Resolution(s) No(s). 404.

CHILDREN & FAMILY AFFAIRS

The Committee on Children and Family Affairs recommended for passage: House Bill(s) No(s). 2881, 2314, 2701, 2897, 2542 and 3286 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2875 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 2668, also House Bill(s) No(s). 3019 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 321 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 3289, also House Bill(s) No(s). 754, 2330, 2340, 2965 and 2736 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3022, 3254 and 2767; also House Bill(s) No(s). 3292 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 2780, also House Bill(s) No(s). 2364, 3045 and Senate Joint Resolution(s) No(s). 503 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CONSENT CALENDAR

House Joint Resolution No. 676 -- Memorials, Sports - 1997-1998 Grundy County High School girls' basketball team, TSSAA Class AA state champions. by *Lewis, *Rhinehart, *Fraleigh.

House Joint Resolution No. 678 -- Memorials, Retirement - Tom Sutherland. by *Ford S.

House Joint Resolution No. 680 -- Memorials, Recognition and Thanks - Tri-City Regional Airport, 60th Anniversary. by *Mumpower, *Godsey, *Westmoreland.

House Joint Resolution No. 681 -- Memorials, Heroism - Johnson County Korean War Veterans. by *Mumpower.

House Joint Resolution No. 683 -- Memorials, Sports - 1997-1998 Union University women's basketball team, NAIA Division 1 national champions. by *Kisber, *McDaniel.

Senate Joint Resolution No. 573 -- Memorials, Academic Achievement - Laura Ann Moody, Valedictorian, Scotts Hill High School. by *Springer.

Senate Joint Resolution No. 574 -- Memorials, Death - Dr. B.L. Holladay. by *Springer.

Senate Joint Resolution No. 575 -- Memorials, Academic Achievement - Misty Leigh Hart, Salutatorian, Scotts Hill High School. by *Springer.

Senate Joint Resolution No. 576 -- Memorials, Recognition and Thanks - Nashville Banner. by *Henry, *Atchley, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J., *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J., *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams.

On previous motion, House Joint Resolution No. 677 was removed from the Consent Calendar and held on the Clerk's desk.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

***Senate Bill No. 342** -- Workers' Compensation - Makes removal of safety device or warning where person is injured or killed Class A misdemeanor. Amends TCA Title 39, Chapter 17, Part 1. by *Haynes. (HB1783 by *Odom)

Further consideration of Senate Bill No. 342 previously considered on May 22, 1997, at which time the Senate Bill was substituted for the House Bill and the House adopted Amendment(s) No(s). 1, 2 and 3. The bill was also considered on May 29, 1997, February 2, 1998, and April 1, 1998, and reset to today's Calendar.

Rep. Odom moved that Senate Bill No. 342, as amended, be passed on third and final consideration.

Rep. Givens requested that Amendment No. 4 be moved to the heel of the Amendments.

Rep. Kernell moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Kernell moved adoption of Amendment No. 6 as follows:

Amendment No. 6

AMEND Senate Bill No. 342 as amended, in the amendatory language of Section 1 by adding the following as a new subsection to be appropriately designated:

() Neither a conviction or a failure to obtain a conviction under this section shall preclude any other action authorized by law with respect to conduct in controversy under subsection (a).

On motion, Amendment No. 6 was adopted.

Rep. Givens moved adoption of Amendment No. 7 as follows:

Amendment No. 7

AMEND Senate Bill No. 342 by adding the following language at the end of the amendatory language of subsection (a) in Section 1 of the bill as amended:

For purposes of this section, "machine, tool or other implement" shall not include

(1) any item of equipment or device being used for agricultural, forestry purposes, or lawn and garden care purposes; or

(2) any item being used for home improvements or maintenance by a person not engaged in professional commercial activities.

On motion, Amendment No. 7 was adopted.

Rep. Odom moved adoption of Amendment No. 8 as follows:

Amendment No. 8

AMEND Senate Bill No. 342 as amended, in subsection (a) of the amendatory language of Section 1 by deleting the language "to intentionally remove" and by substituting instead the language "to knowingly and intentionally remove".

On motion, Amendment No. 8 was adopted.

Rep. Givens moved that Amendment No. 4 be withdrawn, which motion prevailed.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Odom requested that Senate Bill No. 342 be moved to the heel of the Calendar.

House Bill No. 2539 -- Sunset Laws - Terminates primary care advisory board; transfers functions relative to drug formularies to board of nursing. Amends TCA Title 63 and Title 68. by *Kernell. (*SB2526 by *Springer)

Further consideration of House Bill No. 2539 previously considered on April 1, 1998, and reset to today's Calendar.

Rep. Kernell moved that House Bill No. 2539 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2539 By deleting Section 1 of the printed bill in its entirety and by substituting instead the following:

SECTION 1. (a) Notwithstanding the provisions of Tennessee Code Annotated, Section 4-29-112, or any other law to the contrary, the primary health care centers advisory board, created by Section 68-1-701, shall terminate and shall cease all activities upon the effective date of this act.

(b) Tennessee Code Annotated, Section 68-1-701, is amended by deleting subsections (b), (c) and (d) in their entirety.

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 2539**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2293 -- Economic and Community Development - Enacts "Community Redevelopment Act of 1998." by *Brooks, *Armstrong, *Pruitt, *Miller L., *Jones U (Shelby), *Langster, *Towns, *Turner (Shelby), *Bowers, *Brown, *Cooper B. (*SB2327 by *Dixon)

Rep. Brooks moved that House Bill No. 2293 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2293 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall only apply in counties having a population of more than eight hundred thousand (800,000) according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 1 was adopted.

Rep. Haley moved the previous question, which motion prevailed.

Rep. Brooks moved that **House Bill No. 2293**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes 1
Present and not voting 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Gunnels -- 1.

Representatives present and not voting were: Fraley -- 1.

A motion to reconsider was tabled.

House Bill No. 1312 -- Nurses, Nursing - Provides for board of nursing to establish continuing education requirements for relicensure of registered nurses and licensed practical nurses. Amends TCA Title 63, Chapter 7. by *Chumney, *Kisber, *Givens, *Halteman Harwell. (*SB1057 by *Womack, *Crutchfield)

Rep. Chumney moved that House Bill No. 1312 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1312 by deleting the amendatory language in Section 1 of the printed bill and substituting the following:

Section _____. By 2002, the board of nursing shall implement a plan to assure continuing competence of licensees, using educationally sound methods to promote learning and assess outcomes pertinent to contemporary standards of nursing practice.

On motion, Amendment No. 1 was adopted.

Rep. Chumney moved that **House Bill No. 1312**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1533 -- County Officers - Increases from \$65.00 to \$75.00 per diem compensation of Wilson County court officers Amends TCA Section 8-21-901. by *Bone. (*SB1102 by *Rochelle)

On motion, House Bill No. 1533 was made to conform with **Senate Bill No. 1102**; the Senate Bill was substituted for the House Bill.

Rep. Bone moved that Senate Bill No. 1102 be passed on third and final consideration.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. Bone moved that **Senate Bill No. 1102** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2758 -- Custody and Support - Sets out parental responsibilities of father of child of minor mother if father is at least eight years older than mother. Amends TCA Title 36, Chapter 36, Part 2 and Section 36-5-102. by *DeBerry J. (*SB2884 by *Ramsey)

Rep. J. DeBerry moved that House Bill No. 2758 be passed on third and final consideration.

Rep. Turner(Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2758 by deleting Section 1 and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-5-102(b), is amended by adding the following sentence to the end of the subsection:

As used in this subsection, the term "maintenance and support of the custodial parent" may also include counseling and other special medical services needed by the custodial parent.

On motion, Amendment No. 1 was adopted.

Rep. J. DeBerry moved that **House Bill No. 2758**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2764 -- Teachers - Provides for written notice and opportunity for hearing prior to dismissal of licensed, non-tenured school employees. Amends TCA Section 49-2-301(f). by *Winningham, *Williams (Williamson), *Davidson, *White, *Sands. (*SB2313 by *Springer)

On motion, House Bill No. 2764 was made to conform with **Senate Bill No. 2313**; the Senate Bill was substituted for the House Bill.

Rep. Winningham moved that Senate Bill No. 2313 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Winningham moved that **Senate Bill No. 2313** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes.....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 2429** -- Trade Regulation - Restricts sale of a variety of products at flea markets. Amends TCA Title 47, Chapter 25. by *Maddox, *Godsey, *Mumpower. (SB2603 by *Herron)

Rep. Maddox moved that House Bill No. 2429 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2429 By deleting in its entirety, all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 25, is amended by adding Sections 2 through 4 of this act as a new part.

SECTION 2.

(a) For the purposes of this act, unless the context requires otherwise:

(1) "Manufacturer's or distributor's representative" means a person who has on his person and available for public inspection written proof that such person is authorized by the manufacturer or distributor for the public retail sale of those products which are offered for sale. Such credentials shall include the seller's name and may include a date upon which such authorization shall expire.

(2) "New and unused property merchant" means a person who engages in the retail sale of personal property at a wholesale/retail outlet in this state and some of such property offered for sale is new and unused.

(3) "New and unused property" means tangible personal property that was acquired by the new and unused property merchant directly from the producer, manufacturer, wholesaler or retailer in the ordinary course of business which has never been used since its production or manufacturing or which is in its original and unopened package or container, if such personal property was so packaged when originally produced or manufactured.

New and unused property does not include:

(A) Property which is in its original and unopened package or container that contains a date or expiration date and such date is not a new date or the date has expired.

(B) Property which was pre-owned by an individual other than the new and unused property merchant and such individual obtained the property through the ordinary course of business.

(C) Property, although never used, whose style, packaging or material clearly indicates that such property was not produced or manufactured within recent times.

(4) "Wholesale/Retail Outlet" means an event:

(A) At which two (2) or more persons offer personal property for sale or exchange; and

(B) If the event is held more than six (6) times in any twelve (12) month period, regardless of the number of persons offering or displaying personal property or the absence of fees, at which such property is offered or displayed for sale or exchange; or

(C) At which a fee is charged for the privilege of offering or displaying such personal property; or

(D) At which a fee is charged to prospective buyers for admission to the area where such personal property is offered or displayed for sale.

"Wholesale/retail outlet" is interchangeable with and applicable to "flea market", "itinerant vendor", "swap meet", "indoor swap meet", or other similar terms regardless of whether these events are held inside a building or outside in the open. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular course of business.

"Wholesale/retail outlet" does not mean nor apply to an event which is organized for the exclusive benefit of any community chest, fund, foundation, association, or corporation organized and operated for religious, educational, or charitable purposes.

(b)

(1) Every new and unused property merchant shall maintain receipts for the acquisition of new and unused property which must contain all of the following information:

(A) The date of the transaction on which the property was acquired;

(B) The name and address of the person, corporation, or entity from whom the property was acquired;

(C) An identification and description of the property acquired;

(D) The price paid for such property; and

(E) The signatures of the person selling the property and the new and unused property merchant only if the new and unused property merchant acquires the property vis-à-vis the person selling the property if such person is not regularly engaged in the normal course of business of selling such property.

(2) If a new and unused property merchant makes a single purchase of five hundred dollars (\$500) or more from an individual or corporation, the bill of sale from such purchase shall be sufficient to satisfy the record keeping requirements of this subsection.

(c) The record of each purchase transaction provided for in this section shall be maintained for a period of not less than two (2) years.

(d) It is an offense for any new and unused property merchant required to maintain receipts under the provisions of this section to knowingly:

(1) Falsify, obliterate or destroy such receipts;

(2) Refuse or fail, upon the request of a law enforcement officer, to make such receipts available for inspection within a period of time which is reasonable under the individual circumstances surrounding such request; provided, nothing contained within the provisions of this subsection shall be construed to require the new and unused property merchant to possess such receipt on or about his or her person without reasonable notice;

(3) Fail to maintain the receipts required by this section for at least two (2) years; or

(4) Present credentials pursuant to the requirements of this section which are false, fraudulent, forged, fraudulently obtained or the nature of which is misrepresented.

(e)

(1) For the first violation of subsection (e), the violator shall be issued a warning and informed of the penalty for any subsequent violations.

(2) A second or subsequent violation of subsection (e) is a Class B misdemeanor punishable by fine only.

(f)

(1) For the first violation of subsection (b), the violator shall be issued a warning and informed of the penalty for any subsequent violations.

(2) A second and subsequent violation of subsection (b) is a Class B misdemeanor punishable by fine only.

(g) This section shall apply to all new and unused property purchased or acquired on or after January 1, 1999 which is sold, or to be sold, at a wholesale/retail outlet in this state.

SECTION 3. The provisions of Section 2 of this act shall not apply to:

(1) The sale of a motor vehicle or trailer that is required to be registered or is subject to the certificate of title laws of this state;

(2) The sale of agricultural products, forestry products or food products, other than food as defined as new and unused property;

(3) Business conducted at any industry or association trade show;

(4) The sale of arts or crafts by the person who produced such arts and crafts;

(5) A manufacturer's or distributor's representative as defined in Section 2 of this act; or

(6) Any new and unused property merchant under the age of eighteen (18) years.

SECTION 4. (a) No person shall knowingly sell or offer for sale at a wholesale/retail outlet any food manufactured and packaged for sale for consumption by a child under the age of two (2) years, over-the counter drug or medication, or cosmetic which has an expiration date, and such date has expired.

(b) Any person who violates the provisions of this section commits a Class C misdemeanor, punishable by a fine only, not to exceed one hundred dollars (\$100.00) for each violation.

SECTION 5. This act shall take effect January 1, 1999, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Maddox moved that **House Bill No. 2429**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	1
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Scroggs, Sharp, Stamps, Tindell, Towns, Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Stulce -- 1.

Representatives present and not voting were: Fowlkes, McAfee, McKee, Tidwell -- 4.

A motion to reconsider was tabled.

House Bill No. 2380 -- State Prisoners - Enacts "Inmate Financial Responsibility Act of 1998." Amends TCA Title 41, Chapter 21. by *McDonald, *Arriola, *Bone, *West, *Curtiss, *Garrett, *Lewis, *Fowlkes, *Head, *Williams (Williamson), *Hargrove, *McDaniel, *Newton, *Boner, *Maddox, *Sands, *Fitzhugh, *Givens, *Pleasant, *Haley, *Hargett. (*SB2306 by *Rochelle)

Rep. McDonald moved that House Bill No. 2380 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2380 In Section 3(e) by deleting the subdivision in its entirety and by substituting instead the following as new subdivision (e):

(e) "Inmate" means any person who is confined in a correctional facility under the jurisdiction of the department.

AND FURTHER AMEND by deleting Section 5 in its entirety and by substituting instead the following as a new Section 5:

Section 5. The department shall develop a report on each inmate containing a completed form under Section 4, together with all other information available on the assets of the inmate and an estimate of the total cost of care for that inmate.

AND FURTHER AMEND in Section 6(a) by deleting the language "attorney general" and by substituting instead the language "department".

AND FURTHER AMEND in Section 6(b) by deleting the subsection in its entirety and by substituting instead the following as a new subsection (b):

(b) If the department, upon completing the investigation, has good cause to believe that an inmate has sufficient assets to recover not less than ten percent (10%) of the estimated cost of the inmate for two (2) years or ten percent (10%) of the cost of care of the inmate, whichever is less, the commissioner shall forward reports concerning such inmates to the attorney general and reporter for appropriate action. The attorney general shall seek to secure reimbursement for the expense of the State of Tennessee for the cost of care of that inmate.

AND FURTHER AMEND by deleting Section 13 in its entirety and by substituting instead the following:

Section 13. Notwithstanding the provisions of Tennessee Code Annotated, Section 50-6-223(b), a court may assign up to fifty percent (50%) of workers' compensation made by periodic payments to pay an arrearage owed by an inmate who is confined in the custody of the department of correction; provided that such assignment is administered in accordance with Tennessee Code Annotated, Section 50-2-105.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2380 by deleting the final sentence of subsection (c) of the amendatory language of SECTION 8 and substituting instead the following:

Such reimbursement is subject to payments for court-ordered child support and arrearages before the state may apply any amounts recovered for reimbursement of its expenses, including the costs of any investigations.

FURTHER AMEND by deleting from SECTION 12 the language "before the state receives reimbursement pursuant to this act" and substituting instead the language "before the state receives reimbursement, including the costs of any investigations, pursuant to this act".

On motion, Amendment No. 2 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2380 by deleting the final sentence of subsection (h) of the amendatory language of SECTION 8 in its entirety.

On motion, Amendment No. 3 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 2380 By deleting the original Section 4 in its entirety and by substituting instead the following:

Section 4.

(a) The department shall develop a form which shall be used by the department to obtain information from inmates regarding assets of the inmates.

(b) Upon being developed, the form shall be submitted to each person who, in the discretion of the department, may have sufficient assets to warrant further investigation. Such form may be submitted to any person who is an inmate as of the effective date of the Act and to any person who thereafter is sentenced to imprisonment under the jurisdiction of the department. The form may be resubmitted to an inmate by the department for purposes of obtaining current information regarding assets of the inmate.

(c) Every inmate who is given a form by the department shall complete the form or provide for completion of the form and the inmate shall swear or affirm under oath that to the best of his/her knowledge the information provided is complete and accurate.

(d) The department shall develop the form provided for under this section not later than thirty (30) days after the effective date of this act.

AND FURTHER AMEND by deleting Section 5 in its entirety and by substituting instead the following:

Section 5. The department shall develop a report on each inmate who is required to complete a form in accordance with the provisions of Section 4 of this act, together with all other information available on the assets of the inmate and an estimate of the total cost of care for that inmate.

On motion, Amendment No. 4 was adopted.

Rep. Brooks moved the previous question, which motion prevailed.

Rep. McDonald moved that **House Bill No. 2380**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 965 -- Education - Revises character education curriculum. Amends TCA Title 49, Chapter 6. by *McDonald, *Fowlkes. (*SB1315 by *Springer)

Rep. McDonald moved that House Bill No. 965 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 965 by inserting before the enacting clause the following language:

WHEREAS, the General Assembly of the State of Tennessee recognizes that local education agencies should have available effective tools to convey character education to students of all ages in their community; and

WHEREAS, the General Assembly passed legislation in 1985 which provided character education as an aid to ensure students become good citizens; and

WHEREAS, recent disruptions in the classroom may be attributed to behavioral issues; and

WHEREAS, concern exists that the current character education statute is not being meaningfully utilized; now, therefore,

AND FURTHER AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-1007, is amended by deleting the section in its entirety and substituting instead the following new section:

(a) The course of instruction in all public schools shall include character education to help each student develop positive values and improve student conduct as students learn to act in harmony with their positive values and learn to become good citizens in their school, community, and society.

(b)(1) The state board of education shall provide the appropriate method of instruction in grades K through twelve (12), in conformity with the elementary school curriculum provided for in subsection (c).

2) Local boards of education may implement additional courses and materials in character education at their discretion.

(c)(1) Each local education agency shall provide the character education curriculum set forth in the curriculum provided by the Tennessee State Board of Education, or a comparable program approved by the state board of education.

(d) The Tennessee State Board of Education shall annually appear before the Joint Education Oversight Committee, to report the following:

(1) The number of schools in which character education was an integral part of the curriculum in the most recent academic year.

(2) The number of students receiving character education in the most recent academic year.

(3) A sample teaching method of character education used in the most recent academic year.

(4) A summary of the effectiveness of such teaching methods.

SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. McDonald moved that **House Bill No. 965**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2628 -- Safety - Specifies that state fire marshal and certified county building inspectors have sole authority over inspection of construction and renovation of public buildings. Amends TCA Title 68, Chapter 120. by *Stamps. (*SB2373 by *Graves)

On motion, House Bill No. 2628 was made to conform with **Senate Bill No. 2373**; the Senate Bill was substituted for the House Bill.

Rep. Stamps moved that Senate Bill No. 2373 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Stamps requested that Senate Bill No. 2373 be moved down 3 places on the Calendar.

House Bill No. 2626 -- Local Education Agency - Allows LEAs to charge tuition for all programs outside the minimum 180 instructional days, unless state funds cost of such instruction. Amends TCA Section 49-6-3003. by *Stamps. (*SB2919 by *Graves)

Rep. Stamps moved that **House Bill No. 2626** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes	1
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Stulce -- 1.

Representatives present and not voting were: Caldwell -- 1.

A motion to reconsider was tabled.

House Bill No. 3023 -- Polygraph - Prohibits polygraph examinations with respect to employment from inquiring into areas covered by the Americans with Disabilities Act; makes other administrative changes with respect to polygraph examiners. Amends TCA Title 62, Chapter 27. by *Burchett. (*SB2954 by *Gilbert)

On motion, House Bill No. 3023 was made to conform with **Senate Bill No. 2954**; the Senate Bill was substituted for the House Bill.

Rep. Burchett moved that Senate Bill No. 2954 be passed on third and final consideration.

Rep. Brooks moved the previous question, which motion prevailed.

Rep. Burchett moved that **Senate Bill No. 2954** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

INTRODUCTION IN THE WELL

Speaker Pro Tempore DeBerry and Rep. Head were recognized in the Well to introduce Coach Pat Summitt and the University of Tennessee Lady Volunteer basketball team, 1998 NCAA Women's Basketball Champions.

REQUEST TO READ HOUSE JOINT RESOLUTION NO. 684

Speaker Pro Tempore DeBerry requested that the Clerk read House Joint Resolution No. 684 honoring Coach Pat Summitt.

House Joint Resolution No. 684 -- Memorials, Sports - University of Tennessee Lady Volunteers, 1998 NCAA Women's Basketball Champions. by *DeBerry L, *Head, *Naifeh.

RESOLUTION READ

The Clerk read House Joint Resolution No. 684.

RULES SUSPENDED

Rep. Williams moved that House Bill No. 3340 be removed from tomorrow's Message Calendar for consideration today.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 3340** -- Highway Signs - "Pat Head Summitt Parkway," S.R. 12, Cheatham County. by *Williams (Williamson), *Davidson, *McMillan. (SB3353 by *Kurita, *Atchley, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsa, *Ford J, *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack)

Senate Amendment No. 2

AMEND House Bill No. 3340 by deleting from Section 1 of amendment 1 the language "Pat Summitt Parkway" and substituting instead the language "Pat Head Summitt Parkway".

Rep. Williams moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 3340**, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Burchett moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 691 out of order, which motion prevailed.

***House Joint Resolution No. 691** -- General Assembly, Statement of Intent or Position - Pat Head Summitt-General Mills Corp. by *Burchett, *Naifeh, *Hargrove, *McDaniel, *Stamps.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Burchett, with the request that all members voting aye be added as sponsors, the resolution was adopted.

MOTION TO RESET CALENDAR

Rep. Hargrove moved that all bills remaining on today's Calendar be reset to tomorrow's Calendar, which motion prevailed.

ENGROSSED BILLS

April 8, 1998

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 676, 680, 681 and 683.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

WEDNESDAY, APRIL 8, 1998 -- EIGHTY-SECOND LEGISLATIVE DAY

REPORT OF CHIEF ENGROSSING CLERK
April 8, 1998

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 436, 464, 518, 519, 627, 628, 629, 630, 632, 633, 634, 635, 636, 637, 638, 639, 640, 642, 643, 646, 647, 648, 649, 650 and 673.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK
April 8, 1998

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 2079, 2102, 2143, 2193, 2437, 2463, 2483, 2549, 2617, 2621, 2679, 2683, 2741, 2868, 2923, 2934, 2991, 3139, 3152, 3154, 3211, 3223, 3227, 3387, 3389, 3393, 3396 and 3398.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS
April 8, 1998

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 965, 1312, 2293, 2380, 2429, 2539, 2626 and 2758, also, House Joint Resolution(s) No(s). 678 and 691.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR
April 8, 1998

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2446, 2473, 2660, 3053, and 3303, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 9:00 a.m., Thursday, April 9, 1998.